

OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES
P.O. BOX 932328
SACRAMENTO, CA 94232-3280



TITLE 13: DEPARTMENT OF MOTOR VEHICLES

I. NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, and 205.14 in Article 3.3, Division 1, Chapter 1 of the California Code of Regulations, relating to Special Plates.

- **Public Hearing:** A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.
- **Deadline for Written Comments:** Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **April 24, 2017**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.
- **Authority and Reference:** The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651 and 5004.1, in order to implement, interpret, or make specific Vehicle Code section 5004.1.

II. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 462 (Chapter 497, Statutes of 2007) amended Vehicle Code section 5004.1 relating to Model Year Date License Plates, commonly known as the Year of Manufacture (YOM) Program. Those amendments allowed a 1969 or older model passenger vehicle or a 1972 or older model commercial vehicle to utilize previously-issued California license plates that correspond to the model year of the vehicle when it was originally produced. The department, under authority granted by Vehicle Code sections 1651 and 5110, adopted regulations in March 2010 to specify which license plate configurations would be acceptable for registration under the YOM program.

The department began issuing license plates for vehicle registration purposes in 1914 and since then has issued license plates in numerous configurations of background colors, letter colors and letter/number configurations. Car enthusiasts believe an older model vehicle displaying license plates original to the year of the vehicle, adds to the historic, or even market value of the vehicle.

Because the department no longer produces license plates in configurations acceptable for the YOM program, suitable plates are often found by vehicle owners at garage sales, flea markets, and through online auctions and shopping websites. Once a car owner obtains a license plate that corresponds to the vehicle he or she is seeking to register with the plates, the owner makes contact with the department for authentication. An authentic YOM license plate will have the year the plate was manufactured stamped into the plate. This year is referred to as the base-year. If a YOM plate is to be utilized for a year other than the base year, the license plate must have a year validation sticker attached to it. For example, a 1955 base year license plate must have a 1959 validation sticker attached to it to be used on a 1959 model vehicle.

In 1963, the department switched to issuing license plates displaying a black background with yellow characters, or yellow-on-black plates. Beginning in 1970, the department issued yellow-on-blue plates to passenger vehicles and continued issuing yellow-on-black plates to commercial vehicles through 1972, when it began issuing yellow-on-blue plates to commercial vehicles as well.

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS Senate Bill (SB) 1429 (Chapter 157; Statutes of 2016) amended Vehicle Code section 5004.1 to expand the YOM program to include vehicles with a model year of 1980 or older. Due to the expansion of the YOM program, the department is again required to adopt regulations to specify which license plates colors and configurations will be acceptable for registration.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The department anticipates benefits to the public that include easier access to the YOM program by allowing more vehicles to participate in the program and by clearly specifying which plate configurations can be affixed to qualifying vehicles. This transparency will allow for potential participants to ensure they have the appropriate plate for the vehicle they own.

Additional Determinations:

- **Comparable Federal and State Regulations:** The department conducted a review of regulations and has determined that there are no other comparable state or federal regulations related to the application process for the Year of Manufacture license plate program.
- **Consistency and Compatibility with Existing State Regulations:** The department evaluated whether or not there were other regulations that deal with special license plates configured to the year of manufacture of the vehicle and has concluded that these are the only regulations in this area. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.
- **Documents Incorporated by Reference:** The department is incorporating one form by reference in Section 205.02.
 - Year of Manufacture (YOM) License Plate Application
Form REG 352 (Rev. 1/2017)

This form will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the form is readily available to interested parties on the department's website or by contacting the department representative identified below.

- **Federal Law or Regulation Mandate:** These regulations are not mandated by federal law or regulations.
- **Local Agency/School District Mandate:** The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

III. IMPACT ASSESSMENTS

Economic and Fiscal Impact Determinations:

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: Because this is a voluntary program, the department has determined that this proposed action has no cost impact on private persons or businesses.
- Effect on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Small Business Impact: This proposed action has no impact on small businesses. The provisions only establish acceptable license plate color/number configurations that are acceptable based on the year model of the vehicle.

- Potential significant statewide adverse economic impact on business: This action is unlikely to have any significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Statement:

The department has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons.

The department has determined that this proposed regulatory action will not, 1) create nor eliminate jobs in the State of California, 2) eliminate existing businesses nor create or expand business in the State of California, 3) expand businesses currently doing business in California, or 4) impact the health and welfare of California residents, worker safety, or the state's environment.

This action may have negligible benefits related to the promotion of fairness and social equity by extending the same provisions granted to black/gold plates to blue/gold plated vehicles from the 1970s.

IV. ADDITIONAL INFORMATION

- **Public Discussion of Proposed Regulations:** A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.
- **Alternatives Considered:** The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.
- **Contact Person:** Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
Department of Motor Vehicles
Telephone: (916) 657-6469

- **Availability of Statement of Reasons and Text of Proposed Regulations:** The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

- **Availability of Modified Text:** Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.